

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN LEE RICHES,

Plaintiff,

v.

REESE WITHERSPOON, et al.,

Defendants.

No. C 07-6106 MJJ (PR)

**ORDER OF DISMISSAL**

Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint under 42 U.S.C. § 1983 against Reese Witherspoon, Ryan Phillipe, and their two children, Deacon Reese Phillipe and Ava Phillipe.

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings must, however, be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988).

Plaintiff states that he “moves under 42 U.S.C. § 1983 to claim custody of

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1 Defendants' children" on the grounds that defendants Witherspoon and Phillipe are unfit  
2 parents. Plaintiff's claims against defendants Witherspoon and Phillipe, two movie actors,  
3 and their children are not cognizable. A private individual does not act under color of state  
4 law, an essential element of a § 1983 action. See Gomez v. Toledo, 446 U.S. 635, 640  
5 (1980). Purely private conduct, no matter how wrongful, is not covered under § 1983. See  
6 Ouzts v. Maryland Nat'l Ins. Co., 505 F.2d 547, 559 (9th Cir. 1974), cert. denied, 421 U.S.  
7 949 (1975). As plaintiff's claims are against private individuals for their alleged private  
8 actions, he has failed to state a cognizable claim for relief under § 1983.

9 For the foregoing reasons, this action is DISMISSED.

10 The Clerk shall close the file.

11 IT IS SO ORDERED.

12 DATED: 12/18/07

  
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MARTIN J. JENKINS  
United States District Judge